IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

OP.No. 12708 of 1999(K)

PETITIONER:

CHERIAN THOMAS, SHAJI NIVAS,
PALACE WARD, ALAPPUZHA,
NOW RESIDING AT ELAVANTHIKKARA HOUSE,
PUTHUKKUNDAM MURI,
KARITHIKAPPALLY VILLAGE,
KARITHIKAPPALLY P.O., ALAPPUZHA

BY ADV. DR.P.S.KRISHNA PILLAI

RESPONDENT:
---
1. THE VILLAGE OFFICER, KARTHIKAPPALLY.

ADDL.R2

2. MARIAMMA THOMAS, VALIYAPARAMBIL HOUSE,
AKAMKUDI MURI, PALLIPPAD VILLAGE,
HARIPAD P.O., ALAPPUZHA.
(Impleaded as per order dated 7.11.2007 C.M.P.22726/1999)

BY GOVERNMENT PLEADER M.K. PUSPHALATHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 12708 of 1999

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- A TRUE COPY OF COMMUNICATION DATED 21.8.97

EXT.P2- A TRUE COPY OF JUDGMENT IN O.P.5701/98 DATED 13.1.99

EXT.P3- A TRUE COPY OF NOTICE NO.TR 47/99 DATED 21.4.99

(TRUE COPY)

P.A TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J

O.P. 12708/1999

Dated this the 7th day of November, 2007

JUDGMENT

The petitioner applied for effecting mutation in his name. The proceedings has necessarily to go under the Transfer of Registry Rules. It appears from Ext.P3 that Mathunni Varghese and Mariamma Thomas are rival claimants for mutation. If that be so, the appropriate authority under the Transfer of Registry Rules has to consider the application of the petitioner and if the disputes cannot be resolved in terms of those rules, the parties will have to be left with opportunity to work out their remedies before the appropriate Civil Court because the authorities under the Transfer of Registry Rules will be bound by the declarations as to title, as are issued by the Civil Court after adjudication of the disputed claims of civil rights of the parties.

2. For the aforesaid reasons, the impugned Ext.P3 is quashed and the respondent is directed to take up the application of the petitioner and any application of

Mathunni Varghese and Mariamma Thomas referred to in Ext.P3 and take a final decision in accordance with law and having regard to what is stated above. Let the needful be done within an outer limit of four months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs